

Message Text

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PAGE 01 STATE 235772

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ORIGIN SS-15

INFO OCT-01 ISO-00 AF-06 ARA-10 EA-09 EUR-12 NEA-10 /063 R

DRAFTED BY S:WEGAN:LK

APPROVED BY M:LSEAGLEBURGER

S/S -O:LMATTESON

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P 030219Z OCT 75

FM SECSTATE WASHDC

TO ALL DIPLOMATIC AND CONSULAR POSTS PRIORITY

UNCLAS STATE 235772

INFORM CONSULS

E.O. 11652:

TAGS: OGEN

SUBJECT: HOUSE SELECT COMMITTEE ON INTELLIGENCE HEARINGS

FROM THE DEPUTY UNDER SECRETARY FOR MANAGEMENT

1. IN THE COURSE OF THE CURRENT INVESTIGATIONS OF THE HOUSE SELECT COMMITTEE ON INTELLIGENCE (THE PIKE COMMITTEE), THE CONFIDENTIALITY OF THE EXECUTIVE BRANCH'S DECISION MAKING PROCESS HAS BEEN CHALLENGED. THE SECRETARY'S POSITION -- AS DETAILED BELOW IN MY OPENING STATEMENT BEFORE THE COMMITTEE SEPTEMBER 25 -- IS THAT THE TRADITIONAL CONFIDENTIALITY OF THIS PROCESS, AS WELL AS THE INDIVIDUALS INVOLVED THEREIN, MUST BE PROTECTED. WITH THESE OBJECTIVES IN MIND, ADDRESSEES MAY FIND THE FOLLOWING OF INTEREST.

2. BEGIN TEXT: MR. CHAIRMAN, I WELCOME THIS OPPORTUNITY TO APPEAR TODAY TO EXPLAIN THE GUIDELINES THAT HAVE BEEN ESTABLISHED FOR OFFICIALS OF THE STATE DEPARTMENT IN GIVING TESTIMONY TO THIS COMMITTEE OR ITS STAFF.

IN A MEMORANDUM WHICH I SIGNED ON SEPTEMBER 22, A COPY OF WHICH IS AVAILABLE TO THE COMMITTEE, I SET FORTH THREE UNCLASSIFIED

UNCLASSIFIED

PAGE 02 STATE 235772

REQUIREMENTS. THEY ARE:

--STATE DEPARTMENT OFFICIALS ARE TO DECLINE, BY ORDER OF THE PRESIDENT, TO DISCUSS CLASSIFIED MATERIAL.

--THE DEPARTMENT OF STATE INSISTS THAT A STATE DEPARTMENT REPRESENTATIVE BE PRESENT DURING THE INTERVIEWS. SHOULD THE INTERVIEWEES WISH TO BE REPRESENTED BY THEIR OWN LEGAL COUNSEL, THE STATE DEPARTMENT REPRESENTATIVE WILL BE IN ADDITION TO THAT PRIVATE LEGAL COUNSEL.

--THE INTERVIEWEES ARE TO DECLINE, BY ORDER OF THE SECRETARY OF STATE, TO GIVE INFORMATION WHICH WOULD DISCLOSE OPTIONS CONSIDERED BY OR RECOMMENDED TO MORE SENIOR OFFICERS IN THE DEPARTMENT OF STATE.

LET ME FIRST ADDRESS THE QUESTION OF CLASSIFIED MATERIAL. AS THE COMMITTEE IS AWARE, THE PRESIDENT HAS DIRECTED THAT, PENDING RESOLUTION OF THE DISPUTE BETWEEN THE EXECUTIVE BRANCH AND THIS COMMITTEE OVER THE RESPONSIBILITY FOR DECLASSIFICATION AND RELEASE OF CLASSIFIED INFORMATION, MEMBERS OF THE EXECUTIVE BRANCH ARE PROHIBITED FROM FURNISHING CLASSIFIED INFORMATION TO THE COMMITTEE. NATURALLY, ALL OFFICIALS OF THE DEPARTMENT OF STATE ARE BOUND BY THIS DECISION.

THE OTHER TWO CONDITIONS IMPOSED BY THE DEPARTMENT ARE BASED ON PRINCIPLES OF THE UTMOST IMPORTANCE TO THE EMPLOYEES AND OPERATIONS OF THE DEPARTMENT. IT IS NOT, AT THIS POINT, CLEAR TO ME THAT WE IN THE DEPARTMENT AND THE MEMBERS OF THIS COMMITTEE DISAGREE ON THESE PRINCIPLES. IF THERE IS DISAGREEMENT, I WANT TO BE SURE THAT WE CLEARLY UNDERSTAND THE ISSUES OVER WHICH WE ARE AT ODDS.

LET ME THEREFORE STATE AT THE OUTSET WHAT WE BELIEVE THOSE PRINCIPLES TO BE. FIRST, IT IS THE RESPONSIBILITY OF THE SECRETARY AND MYSELF--AS IT WAS WITH OUR PREDECESSORS--TO PROTECT THE INTEGRITY OF THE PERSONNEL OF THE DEPARTMENT OF STATE AND THE FOREIGN SERVICE. THESE PEOPLE CONSTITUTE A HIGHLY PROFESSIONAL ORGANIZATION -- AN ORGANIZATION THAT MUST HAVE A SENSE OF COHESION AND LOYALTY.

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 STATE 235772

AND THAT LOYALTY RUNS DOWN FROM THE SECRETARY TO ALL OF

HIS SUBORDINATES, JUST AS IT RUNS UPWARD.

SECOND, IT IS ALSO OUR RESPONSIBILITY TO OPPOSE STEPS THAT WOULD IMPERIL THE ABILITY OF THE DEPARTMENT OF STATE EFFECTIVELY TO FORMULATE AND CONDUCT FOREIGN POLICY.

AS TO THE FIRST POINT OF PRINCIPLE -- THE CONFIDENTIAL AND ORDERLY OPERATION OF THE POLICY-MAKING PROCESS ITSELF -- IT IS OUR BELIEF THAT FOR THIS PROCESS TO OPERATE, ALL RELEVANT OFFICIALS MUST HAVE UNQUALIFIED FREEDOM TO DISCUSS, DEBATE, DEVELOP AND RECOMMEND VARIOUS POLICY OPTIONS. SECRETARY KISSINGER HAS REPEATEDLY EMPHASIZED THIS BOTH AS A MATTER OF PRINCIPLE AND AS ESSENTIAL TO AN EFFECTIVE POLICY FORMULATION PROCESS.

BUT THIS PROCESS CANNOT WORK IN PRACTICE IF IT HAS TO TAKE PLACE IN PUBLIC, OR IF THOSE INVOLVED MUST EXPECT THAT THEIR ADVICE AND RECOMMENDATIONS WILL BE SCRUTINIZED AND CRITICIZED AFTER THE FACT. UNDER THESE CIRCUMSTANCES CANDID ADVICE CANNOT BE ASSURED; THE POLICY MAKER WILL HAVE TO DISCOUNT OPINIONS AS TO THE EXTENT HE BELIEVES THEY ARE TAILORED WITH A VIEW TO PUBLIC EXPOSURE. NOR CAN WE PERMIT A SITUATION TO DEVELOP IN WHICH OFFICERS OF THE DEPARTMENT ARE RELUCTANT TO EXPRESS OPINIONS FREELY BECAUSE THEY FEAR THAT THEY WILL BE SUBJECT TO PUBLIC CRITICISM, RIDICULE OR PUNISHMENT FOR ADVOCACY OF A COURSE OF ACTION WHICH MIGHT AT THE MOMENT BE UNPOPULAR, BUT WHICH THEY BELIEVE TO BE IN THE LONG-RANGE NATIONAL INTEREST. NOR CAN WE PERMIT A SITUATION TO DEVELOP IN WHICH OTHERS WOULD BE TEMPTED TO PLAY TO THE GRANDSTAND BY ADVOCATING POLICIES SIMPLY BECAUSE THEY HAVE POPULAR APPEAL.

THIS IS FAR FROM A HYPOTHETICAL ISSUE. TO CITE A SINGLE EXAMPLE, THE FOREIGN SERVICE AND THE DEPARTMENT OF STATE WERE TORN APART IN THE LATE 1940'S AND EARLY 1950'S OVER AN ISSUE THAT RAISED SOME OF THE SAME CONCERNS THAT ARE BEFORE US TODAY -- THE ABILITY OF FOREIGN SERVICE OFFICERS TO GIVE TO THE SECRETARY AND THEIR OTHER SUPERIORS THEIR UNCLASSIFIED

UNCLASSIFIED

PAGE 04 STATE 235772

CANDID ADVICE, SECURE IN THE KNOWLEDGE THAT THIS ADVICE WILL REMAIN CONFIDENTIAL. THE EVENTS OF THOSE YEARS NOT ONLY INJURED INDIVIDUALS, BUT ALSO DID SIGNIFICANT DAMAGE TO THE PROCESS BY WHICH FOREIGN POLICY IS MADE. WHO CAN BE CERTAIN HOW MANY RECOMMENDATIONS DURING THE YEARS THAT FOLLOWED WERE COLORED BY MEMORIES OF THOSE EXPERIENCES?

AS DEPUTY UNDER SECRETARY FOR MANAGEMENT, THE PRINCIPAL OFFICIAL RESPONSIBLE FOR THE PERSONNEL OF THE DEPARTMENT AND THE FOREIGN SERVICE, I HAVE AN OBLIGATION TO SEE THAT

THE DEPARTMENT OF STATE NEVER AGAIN FACES SUCH A CIRCUMSTANCE. I KNOW THAT I HAVE -- AND WILL CONTINUE TO HAVE -- THE FULL SUPPORT OF SECRETARY KISSINGER AS I CARRY OUT THAT OBLIGATION.

THE SECOND POINT OF PRINCIPLE IS THAT OF "EXECUTIVE RESPONSIBILITY" FOR POLICY. IT IS THE SECRETARY OF STATE AND HIS IMMEDIATE PRINCIPAL ADVISERS WHO ARE RESPONSIBLE FOR DETERMINING THE BASIC QUESTIONS OF POLICY. AND IT IS THE SECRETARY AND HIS PRINCIPAL ADVISERS WHO ARE, AND MUST BE, ACCOUNTABLE FOR THE DECISIONS THEY MAKE AND THE ACTIONS THEY AUTHORIZE. THUS, JUST AS WE MUST PRESERVE THE CONFIDENTIALITY OF THE DECISION MAKING PROCESS, SO MUST WE PRESERVE THE ACCOUNTABILITY OF THE DECISION MAKER. IT IS, THEREFORE, THOSE WHO BEAR RESPONSIBILITY FOR POLICY -- RATHER THAN JUNIOR AND MIDDLE-GRADE FOREIGN SERVICE OFFICERS -- WHO SHOULD BE HELD ACCOUNTABLE FOR IT.

IF SENIOR OFFICIALS ARE RESPONSIBLE -- AS WE BELIEVE THEY MUST BE -- THEY ALONE SHOULD BE THE ONES TO DESCRIBE, EXPLAIN, AND DEFEND THEIR DECISIONS. THUS, ONCE THE ISSUE OF CLASSIFIED INFORMATION IS RESOLVED, WE WILL BE PREPARED TO PERMIT POLICY-LEVEL OFFICIALS TO APPEAR BEFORE THIS COMMITTEE TO DISCUSS THE MAIN CONSIDERATIONS THAT WERE TAKEN INTO ACCOUNT IN FORMULATING THE POLICIES FINALLY DECIDED UPON, AS WELL AS INTELLIGENCE INFORMATION RELATING TO THE SPECIFIC QUESTIONS BEFORE THIS COMMITTEE. THE DEPARTMENT WILL ALSO BE WILLING TO MAKE AVAILABLE TO THE COMMITTEE, AS WE HAVE IN THE PAST, STATE DEPARTMENT INTELLIGENCE OFFICERS TO DISCUSS THE FACTS CONCERNING THE UNCLASSIFIED

UNCLASSIFIED

PAGE 05 STATE 235772

INTELLIGENCE SITUATION SURROUNDING THE EVENTS UNDER EXAMINATION BY THE COMMITTEE. BUT WE WOULD NOT WANT ANY OFFICIAL WHO DOES APPEAR TO RESPOND TO QUESTIONS DESIGNED TO ASSOCIATE ANY PARTICULAR INDIVIDUAL WITH ANY PARTICULAR COURSE OF ACTION OR RECOMMENDATION. THE SANCTITY OF THE PRIVACY OF INTERNAL DEBATE, DISCUSSION, PERSONAL VIEWS AND RECOMMENDATIONS MUST, WE BELIEVE, BE PRESERVED.

FINALLY, WE ALSO HAVE INSISTED ON A THIRD LIMITATION FOR THE PROTECTION OF OUR EMPLOYEES -- A STATE DEPARTMENT REPRESENTATIVE MUST BE PRESENT DURING THE INTERVIEW OF ANY SUBORDINATE OFFICIALS OF THE STATE DEPARTMENT TO PROVIDE ADVICE TO THE INTERVIEWEE ON THE APPLICATION OF THE EXISTING GUIDELINES AND, IN THE CASE OF INFORMAL INTERVIEWS, WHERE NO FORMAL RECORD IS KEPT, TO HELP NOTE AND REMEMBER THE POINTS COVERED.

MR. CHAIRMAN, IF THE DIFFERENCES OVER CLASSIFIED INFORMATION CAN BE RESOLVED, THE DEPARTMENT IS PREPARED TO BE

COOPERATIVE IN MEETING THE NEEDS OF THIS COMMITTEE FOR INFORMATION. WE HAVE AN OBLIGATION AND A DUTY TO DO SO.

BUT I ALSO HAVE ANOTHER OBLIGATION AND DUTY TO THE MEMBERS
OF THE DEPARTMENT OF STATE AND THE FOREIGN SERVICE -- TO
ASSURE THEM THE FREEDOM AND PROTECTION THEY NEED AND MUST
HAVE IF THEY ARE TO GIVE THE DEPARTMENT -- AND THE
COUNTRY -- THEIR BEST. END TEXT. KISSINGER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 03 OCT 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE235772
Document Source: CORE
Document Unique ID: 00
Drafter: WEGAN:LK
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750343-0107
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19751087/aaaaczuq.tel
Line Count: 228
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN SS
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: buchant0
Review Comment: n/a
Review Content Flags:
Review Date: 06 NOV 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <06 NOV 2003 by ThomasVJ>; APPROVED <22 JAN 2004 by buchant0>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: HOUSE SELECT COMMITTEE ON INTELLIGENCE HEARINGS FROM THE DEPUTY UNDER SECRETARY FOR MANAGEMENT
TAGS: OGEN
To: ALL POSTS
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006